



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,553	09/25/2003	Toshimitsu Kaneko	243083US2RD	4015
22850	7590	03/24/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SCHNURR, JOHN R	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 03/24/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/669,553	Applicant(s) KANEKO ET AL.	
	Examiner JOHN R. SCHNURR	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-final Rejection filed 12/20/2007. Claims 12-19 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 12-19 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection was necessary because the limitations of the previously presented claims 6 and 7 are now dependent upon the limitations of the previously presented claims 4, 5, and 8/9, thus differing the scope of the new claims from that of the previously presented claims.

In response to applicant's argument (Remarks pg. 11 para. 2 to para. 5) that Katcher (US 7,120,924) does not teach "object-area data specifying the area of an object appearing in the image corresponding to the time stamp; and data specifying contents to be displayed when the area specified by the object- area data is designated, or an action to be performed when the area specified by the object-area data is designated", the examiner respectfully disagrees. Katcher clearly teaches transmitting a mask along with the broadcast data which specifies the outline of a shirt. The mask is metadata, data about other data (the broadcast data). Transmitted along with the mask and broadcast data is annotation data, which contains data about the shirt. When the user selects the shirt the annotation data is displayed.

In response to applicant's argument (Remarks pg. 12 para. 2 to para. 6) that Levy (US PG-PUB 2002/0162118) does not teach "the server device further comprising a position-correspondence table storage unit to store a position-correspondence table in

Art Unit: 2623

which the time stamp and the storage position of metadata related to the time stamp are in correspondence with each other", the examiner respectfully disagrees. The time stamp is associated with a content identifier, which is used by the database to locate the metadata.

In response to applicant's argument (Remarks pg. 12 para. 7 to pg. 13 para. 4) that Levy does not teach " a first-table storage unit to store a first table that brings sections of the time stamps related to a plurality of pieces of the metadata into correspondence with information for specifying the metadata; and a second-table storage unit to store a second table that brings the time stamps into correspondence with storage positions of metadata related to the time stamps" , the examiner respectfully disagrees. Levy clearly teaches a table which stores the timestamps and content identifiers, see above. In the distributed router system the content identifier is used to locate the storage position of the metadata. Therefore a second storage unit stores the relationship between the content identifier and the metadata location.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **12-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Levy et al. (US Patent Application Publication 2002/0162118)** in view of **Katcher et al. (US Patent 7,120,924)**, herein Katcher.

Art Unit: 2623

Consider **claim 12**, Levy clearly teaches a server device capable of accessing a hypermedia-data client device through a network, comprising:

a metadata storage unit to store metadata having information related to the contents of an image corresponding to each time stamp of a moving image to be played back by the client device; **(Fig. 4: Database 112 maintains the interactive data, [0054], which is related to the contents of the image based on timestamps, [0100].)**

a time-stamp receiving unit to receive the time stamp of the image to be played back, the time stamp being transmitted from the client device; **(The STB transmits the content identifier and timestamp data to the server, [0081].)**

a metadata transmission unit to transmit the stored metadata to the client device by streaming distribution in synchronization with the playback of the image in accordance with the received time stamp. **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

a position-correspondence-table storage unit to store position-correspondence table in which a time stamp and a storage position of metadata related to the time stamp are in correspondence with each other; **(Table 4: Timestamp and metadata storage position are associated, [0100])**

wherein, upon receiving playback start time for the moving image, the metadata transmission unit sequentially sends the metadata by streaming distribution from a metadata storage position specified with reference to the position-correspondence table. **([0100])**

However, Levy does not explicitly teach the metadata including:

object-area data specifying the area of an object appearing in the image corresponding to the time stamp; and

data specifying contents to be displayed when the area specified by the object- area data is designated, or an action to be performed when the area specified by the object-area data is designated;

In an analogous art, Katcher, which discloses a system for interactive television, clearly teaches object-area data specifying the area of an object appearing in the image corresponding to each time stamp; and data specifying contents to be

displayed when the area specified by the object-area data is designated or an action to be performed when the area specified by the object-area data is designated. **(Mask data, location, and annotation data, data specifying contents, are transmitted to the STB and displayed in response to user input, column 4 lines 34-48.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Levy by specifying a location in the metadata, as taught by Katcher, for the benefit of creating hyperlinked programming in which information is associated with one or more regions of the screen (column 1 lines 33-43 Katcher).

Consider **claim 13**, Levy combined with Katcher, as in claim 12, clearly teaches the metadata transmission unit adjusts a timer time to be used when the metadata to be distributed and the distribution timing are determined in accordance with the received time stamp. **(The STB and server are synchronized, [0048] Levy.)**

Consider **claim 14**, Levy combined with Katcher, as in claim 12, clearly teaches when the metadata to be distributed and the distribution timing are determined, the metadata transmission unit determines the transmission timing of partial data in the metadata by using data-transmission interval calculated from the timer time and the data transfer speed of the streaming distribution and an allowed time difference between the time stamp and the partial data of the metadata to be transmitted next. **(The meta data is transmitted for specific time intervals, therefore the server must compensate for the transmission delay in order to ensure the metadata arrives before the set interval, [0100] Levy.)**

Consider **claim 15**, Levy clearly teaches a server device capable of accessing a hypermedia-data client device through a network, comprising:

a metadata storage unit to store metadata having information related to the contents of an image corresponding to each time stamp of a moving image to be played back by the client device; **(Fig. 4: Database 112 maintains the interactive data, [0054], which is related to the contents of the image based on timestamps, [0100].)**

a time-stamp receiving unit to receive the time stamp of the image to be played back, the time stamp being transmitted from the client device; **(The STB transmits the content identifier and timestamp data to the server, [0081].)**

a metadata transmission unit to transmit the stored metadata to the client device by streaming distribution in synchronization with the playback of the image in accordance with the received time stamp. **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

a first-table storage unit to store a first table that brings the sections of the time stamps related to a plurality of pieces of the metadata into correspondence with information for specifying the metadata; **(Table 4: Timestamp and metadata storage position are associated, [0100])**

a second-table storage unit to store a second table that brings the time stamps into correspondence with storage positions of metadata related to the time stamps; **(Fig. 4: A distributed router interactive system may be used, which stores the ,metadata in a plurality of locations, [0054]-[0055])**

wherein, upon receiving playback start time for the moving image, the metadata transmission unit sends partial data of the metadata specified with reference to the first table by streaming distribution, and then sequentially sends the metadata from the storage position specified with reference to the second table by streaming distribution. **([0100])**

However, Levy does not explicitly teach the metadata including:

object-area data specifying the area of an object appearing in the image corresponding to the time stamp; and

data specifying contents to be displayed when the area specified by the object- area data is designated, or an action to be performed when the area specified by the object-area data is designated;

In an analogous art, Katcher, which discloses a system for interactive television, clearly teaches object-area data specifying the area of an object appearing in the image corresponding to each time stamp; and data specifying contents to be displayed when the area specified by the object-area data is designated or an action to be performed when the area specified by the object-area data is designated. **(Mask data, location, and annotation data, data specifying contents, are transmitted to the STB and displayed is response to user input, column 4 lines 34-48.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Levy by specifying a

Art Unit: 2623

location in the metadata, as taught by Katcher, for the benefit of creating hyperlinked programming in which information is associated with one or more regions of the screen (column 1 lines 33-43 Katcher).

Consider **claim 16**, see claim 13.

Consider **claim 17**, see claim 14.

Consider **claim 18**, see claim 12.

Consider **claim 19**, see claim 15.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is

Art Unit: 2623

(571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623